


COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: August 7, 2014

FROM:


RALPH J. WEBB, COMMANDER
EAST PATROL DIVISION

TO: ALICIA AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2340579
Incident:	Category III Use of Force
Incident Date:	September 1, 2013
Unit:	Lakewood Station
Suspects:	Sebens, Eric MW 11/09/93
Involved Employees:	Deputy Jonathan Byrne # [REDACTED] Deputy Michael Mabee # [REDACTED] Deputy Robert Lloyd # [REDACTED]
EFRC Date:	August 7, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders David Halm, Ralph Webb, and Michael Parker met and reviewed the above case.

FINDINGS:

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were also within Department policy.

RECOMMENDATIONS:

The EFRC recommended the unit commander, Captain Swenson, conduct a tactical debriefing of the incident.

RJW:RFI:rfl

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IAB FO 2340579

AUDIO / VIDEO TRACKING SHEET

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Deputy Mabee's Interview Transcripts

Deputy Lloyd's Interview Transcripts

Witness [REDACTED] Interview Transcripts

Witness [REDACTED] Interview Transcripts

Witness [REDACTED] Interview Transcripts

Witness [REDACTED] Interview Transcripts

EXHIBITS

A- SHAD 49 Complaint report and Supplemental reports.

B- Criminal History for Eric Sebens.

C- CD's containing video interviews by Sergeant Trejo, Photos of suspect injury, Photos of location, Photos of location, 911 Calls of incident, Dispatch 14 Radio traffic. (Open Microphone Only).

MISCELLANEOUS DOCUMENTS

OK to Book" Medical records from Lakewood Regional Medical Center for Suspect Sebens.

Copy of Use of Force Memo.

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Admonition Forms

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

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Incident Information												
URN: 9 1 3 - 1 7 0 5 5 - 1 3 2 3 - 2 6 3		Date: 12-01-13		Time: 2330								
Location: Levelsides Ave/ Del Amo Blvd		City or Station: Lakewood										
Bureau/Station/Facility: South Patrol Division		Admin. Investigation: <input type="radio"/> YES <input checked="" type="radio"/> NO										
Type of Force: Punches, Knee Strike												
Incident Category: <input type="radio"/> 1 <input type="radio"/> 2 <input checked="" type="radio"/> 3		Deputy Injury: <input type="radio"/> YES <input checked="" type="radio"/> NO		Suspect Injury: <input checked="" type="radio"/> YES <input type="radio"/> NO								
<input checked="" type="checkbox"/> Call		<input type="checkbox"/> Observation		<input type="checkbox"/> Detail		<input type="checkbox"/> Foot Pursuit		<input type="checkbox"/> Vehicle Pursuit				
IAB Notified: <input checked="" type="radio"/> YES <input type="radio"/> NO		Person Notified: Lt. Berg		Emp: [REDACTED]		IAB Roll Out: <input checked="" type="radio"/> YES <input type="radio"/> NO						
Involved Employee												
E 1	Employee #	Last Name: Byrne		First Name: Jonathan		Middle I.: R		Rank: Deputy				
	Sex: <input checked="" type="radio"/> M <input type="radio"/> F	Race: W	Height: 5-08	Weight: 185	Age: 32	Shift: <input checked="" type="radio"/> EM <input type="radio"/> Day <input checked="" type="radio"/> PM	<input checked="" type="radio"/> Regular Shift <input type="radio"/> OT Shift <input type="radio"/> Off Duty					
Unit of Assignment: Lakewood Station				Work Assignment (Unit #, Module, etc.): 132A								
Individual Force Used: Personal Weapon - Knee				<input type="radio"/> Directed <input type="radio"/> Rescue <input type="radio"/> Medical Assist				Individual Category: <input type="radio"/> 1 <input type="radio"/> 2 <input checked="" type="radio"/> 3				
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted				Facility: _____				Coroner Case # _____				
E 2	Employee #	Last Name: Mabee		First Name: Michael		Middle I.: J		Rank: Deputy				
	Sex: <input checked="" type="radio"/> M <input type="radio"/> F	Race: W	Height: 6-00	Weight: 195	Age: 31	Shift: <input checked="" type="radio"/> EM <input type="radio"/> Day <input type="radio"/> PM	<input checked="" type="radio"/> Regular Shift <input type="radio"/> OT Shift <input type="radio"/> Off Duty					
Unit of Assignment: Lakewood Station				Work Assignment (Unit #, Module, etc.): 132G5								
Individual Force Used: Personal Weapon - Fist				<input type="radio"/> Directed <input type="radio"/> Rescue <input type="radio"/> Medical Assist				Individual Category: <input type="radio"/> 1 <input type="radio"/> 2 <input checked="" type="radio"/> 3				
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted				Facility: _____				Coroner Case # _____				
E 3	Employee #	Last Name: Lloyd		First Name: Robert		Middle I.: J		Rank: Deputy				
	Sex: <input checked="" type="radio"/> M <input type="radio"/> F	Race: W	Height: 6-02	Weight: 175	Age: 33	Shift: <input type="radio"/> EM <input type="radio"/> Day <input checked="" type="radio"/> PM	<input checked="" type="radio"/> Regular Shift <input type="radio"/> OT Shift <input type="radio"/> Off Duty					
Unit of Assignment: Lakewood Station				Work Assignment (Unit #, Module, etc.): 132F								
Individual Force Used: Control Holds				<input type="radio"/> Directed <input type="radio"/> Rescue <input type="radio"/> Medical Assist				Individual Category: <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3				
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted				Facility: _____				Coroner Case # _____				
On Duty Supervisor												
Emp. #	Last Name: Verzola		First Name: Matthew		Middle I.: A		Rank: SGT		Present: <input checked="" type="radio"/> YES <input type="radio"/> NO		Witness to Incident: <input checked="" type="radio"/> YES <input type="radio"/> NO	
Supervisor Completing Investigation												
Emp. #	Last Name: Graham		First Name: Scott		Middle I.: A		Rank: SGT		Present: <input checked="" type="radio"/> YES <input type="radio"/> NO		Witness to Incident: <input checked="" type="radio"/> YES <input type="radio"/> NO	
Watch Commander / Supervising Lieutenant												
Emp. #	Last Name: Auner		First Name: David		Middle I.: D		Rank: LT					

Watch Commander / Supervising Lieutenant's Signature: _____ Date: _____ Copy Provided to Employee by: _____ Emp #: _____

Unit Commander (Print Name) _____ Unit Commander's Signature: _____ Emp #: _____ Date: _____

DISCOVERY Use Only
FO# _____

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Survivor's Report on Use of Force

SUSPECT INFORMATION

9 1 3 - 1 7 0 5 5 - 1 3 2 3 - 2 6 3

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Suspect Information

S 1

Last Name Sebens		First Name Eric		Middle Name Michael		Armed? Select Not Armed	
AKA Last Name		First Name		Middle Name			
Sex: <input checked="" type="radio"/> Male <input type="radio"/> Female	Race: W	Age: 19	Height: 5-09	Weight: 180	D.O.B: 11/09/93	Phone #1: <input checked="" type="radio"/> H <input type="radio"/> W <input type="radio"/> C	Phone #2: <input type="radio"/> H <input type="radio"/> W <input type="radio"/> C
Street Address: [REDACTED]				City: [REDACTED]		State & Zip Code: [REDACTED]	
Booking #: 3698602		Primary Charge Code: 594 (b)(1) P.C.		Secondary Charge Code: 422 P.C.		Criminal History [REDACTED]	
Treated on Scene? <input checked="" type="radio"/> YES <input type="radio"/> NO		Name: L.A> Co Fire		Unit: Engine 45		Phone #:	
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At:		Lakewood Regional		Coroner Case #:		Mental History <input type="checkbox"/> <small>User's guide provides direction on this entry</small>	
By: Dr. Bowns		Address:		Phone #:			
Under Influence: <input checked="" type="radio"/> YES <input type="radio"/> NO		Substance: Alcohol		5150 a factor in force? [REDACTED]		<small>User's guide provides direction on this entry</small>	

Suspect Interview

Date: 09-02-13	Time: 1306	<input checked="" type="checkbox"/> Audiotape:	<input checked="" type="checkbox"/> Videotape:	<input checked="" type="checkbox"/> Photos of Injuries:	<input type="checkbox"/> ADMITS HEARING ANNOUNCEMENTS
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Suspect Information

S

Last Name		First Name		Middle Name		Armed? Select	
AKA Last Name		First Name		Middle Name			
Sex: <input type="radio"/> Male <input type="radio"/> Female	Race:	Age:	Height:	D.O.B:	Weight:	Phone #1: <input type="radio"/> H <input type="radio"/> W <input type="radio"/> C	Phone #2: <input type="radio"/> H <input type="radio"/> W <input type="radio"/> C
Street Address:				City:		State & Zip Code:	
Booking #:		Primary Charge Code:		Secondary Charge Code:		<input type="checkbox"/> Criminal History	
Treated on Scene? <input type="radio"/> YES <input type="radio"/> NO		By:		Unit:		Phone #:	
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At:				Coroner Case #:		Mental History <input type="checkbox"/> <small>User's guide provides direction on this entry</small>	
By:		Address:		Phone #:			
Under Influence: <input type="radio"/> YES <input type="radio"/> NO		Substance:		5150 a factor in force? <input type="radio"/> YES <input type="radio"/> NO		<small>User's guide provides direction on this entry</small>	

Suspect Interview

Date:	Time:	<input type="checkbox"/> Audiotape:	<input type="checkbox"/> Videotape:	<input type="checkbox"/> Photos of Injuries:	<input type="checkbox"/> ADMITS HEARING ANNOUNCEMENTS
-------	-------	-------------------------------------	-------------------------------------	--	---

Suspect Information

S

Last Name		First Name		Middle Name		Armed? Select	
AKA Last Name		First Name		Middle Name			
Sex: <input type="radio"/> Male <input type="radio"/> Female	Race:	Age:	Height:	D.O.B:	Weight:	Phone #1: <input type="radio"/> H <input type="radio"/> W <input type="radio"/> C	Phone #2: <input type="radio"/> H <input type="radio"/> W <input type="radio"/> C
Street Address:				City:		State & Zip Code:	
Booking #:		Primary Charge Code:		Secondary Charge Code:		<input type="checkbox"/> Criminal History	
Treated on Scene? <input type="radio"/> YES <input type="radio"/> NO		By:		Unit:		Phone #:	
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At:				Coroner Case #:		Mental History <input type="checkbox"/> <small>User's guide provides direction on this entry</small>	
By:		Address:		Phone #:			
Under Influence: <input type="radio"/> YES <input type="radio"/> NO		Substance:		5150 a factor in force? <input type="radio"/> YES <input type="radio"/> NO		<small>User's guide provides direction on this entry</small>	

Suspect Interview

Date:	Time:	<input type="checkbox"/> Audiotape:	<input type="checkbox"/> Videotape:	<input type="checkbox"/> Photos of Injuries:	<input type="checkbox"/> ADMITS HEARING ANNOUNCEMENTS
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☐ Additional Suspects Involved

Supervisor's Report on Use of Force EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 3 - 1 7 0 5 5 - 1 3 2 3 - 2 6 3

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Employee Witnesses									
Emp. #	Last Name	First Name	Middle Name						
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):		Shift:					
				<input type="radio"/> EM <input type="radio"/> Day <input type="radio"/> PM		<input type="radio"/> Regular <input type="radio"/> OT <input type="radio"/> Off Duty			
Emp. #	Last Name	First Name	Middle Name						
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):		Shift:					
				<input type="radio"/> EM <input type="radio"/> Day <input type="radio"/> PM		<input type="radio"/> Regular <input type="radio"/> OT <input type="radio"/> Off Duty			
Emp. #	Last Name	First Name	Middle Name						
Unit of Assignment:		Work Assignment (Unit #, Module, etc.):		Shift:					
				<input type="radio"/> EM <input type="radio"/> Day <input type="radio"/> PM		<input type="radio"/> Regular <input type="radio"/> OT <input type="radio"/> Off Duty			
Non-Employee Witnesses									
Last Name		First Name		Middle Name			Age	D.O.B.	
							44		
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
							43		
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
							57		
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
							36		
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
Street Address			City		Zip Code	Phone #1	Phone #2		
Last Name		First Name		Middle Name			Age	D.O.B.	
Street Address			City		Zip Code	Phone #1	Phone #2		

☐ Additional Witness

$$\begin{array}{|c|c|c|} \hline 9 & 1 & 3 \\ \hline \end{array} - \begin{array}{|c|c|c|c|c|} \hline 1 & 7 & 0 & 5 & 5 \\ \hline \end{array} - \begin{array}{|c|c|c|c|} \hline 1 & 3 & 2 & 3 \\ \hline \end{array} - \begin{array}{|c|c|c|} \hline 2 & 6 & 3 \\ \hline \end{array}$$

Method

(AW) Arwen	(FH) Firearm (Handgun)	(PO) Personal Weapon (Other)
(BC) Baton: (Control)	(FR) Firearm (Rifle)	(RS) Resistance
(BI) Baton: (Impact)	(FS) Firearm (Shotgun)	(RO) Restraint Device (Other)
(BF) Bodily Fluids	(FO) Firearm (Other)	(RH) Restraint Device (Handcuffs)
(CN) Canine	(FB) Flashbang	(HB) Restraint Device: Hobble (Legs Only)
(CR) Carotid Restraint	(FL) Flashlight	(TP) Restraint Device: Hobble (TARP)
(CH) Choke Hold	(OE) Other Weapon: Edged	(RE) Restraint Device: REACT Belt
(CT) Control Holds: (Control Techniques)	(OV) Other Weapon: Vehicle	(SP) Sap
(TT) Control Holds: (Team Takedown)	(OB) Other Weapon: Blunt Object	(SH) Shield
(TD) Control Holds: (Takedown)	(OO) Other Weapon: Other	(IR) Less Lethal Impact Round (other)
(CE) Chemical	(PK) Personal Weapon: Feet/Leg: (Kick)	(SB) Sting Ball
(OC) Chemical Agents (OC Spray)	(PS) Personal Weapon: Feet/Leg: (Sweep)	(ST) Stun Bag
(TG) Chemical Agents (Tear Gas)	(PH) Personal Weapon (Hand/Arm)	(TR) Taser
(EX) Explosives	(PP) Personal Weapon (Push)	(UC) Uncooperative
		(HR) High Risk

Type of Injury

(AB) Abrasion	(DB) Dog Bite	(PA) Paralysis
(BR) Bruise	(FR) Fractures	(PW) Puncture Wound
(BU) Burn	(GS) Gunshot	(SD) Soft Tissue Damage
(CP) Complaint of Pain	(HB) Human Bite	(ST) Sprain/Twists
(CO) Concussion	(LC) Lacerations	(UN) Unconscious
(DH) Death	(ND) Nerve Damage	(RM) Refused Med Treatment
(DI) Dislocation	(OD) Organ Damage	(NN) NONE

Body Part Involved

(AD) Abdomen	(FA) Face	(HI) Hip
(AK) Ankle	(FE) Feet	(IN) Internal
(AR) Arm	(FI) Fingers	(KN) Knees
(BK) Back	(GE) Genitals	(LE) Leg
(BT) Buttocks	(GR) Groin	(NK) Neck
(CH) Chest	(HD) Hands	(NO) Nose
(EL) Elbow	(HE) Head	(SH) Shoulder
		(WR) Wrist

[illegible]

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

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Incident Information											
URN: 913 - 17055 - 1323 - 263				Date: 12-01-13				Time: 2330			
Location: Levelside Ave/ Del Amo Blvd				City or Station: Lakewood							
Bureau/Station/Facility: South Patrol Division				Admin. Investigation: <input type="radio"/> YES <input checked="" type="radio"/> NO							
Type of Force: Punches, Knee Strike											
Incident Category: <input type="radio"/> 1 <input type="radio"/> 2 <input checked="" type="radio"/> 3				Deputy Injury: <input type="radio"/> YES <input checked="" type="radio"/> NO				Suspect Injury: <input checked="" type="radio"/> YES <input type="radio"/> NO			
<input checked="" type="checkbox"/> Call		<input type="checkbox"/> Observation		<input type="checkbox"/> Detail		<input type="checkbox"/> Foot Pursuit		<input type="checkbox"/> Vehicle Pursuit			
IAB Notified: <input checked="" type="radio"/> YES <input type="radio"/> NO				Person Notified: Lt. Berg				Emp: [REDACTED]		IAB Roll Out: <input checked="" type="radio"/> YES <input type="radio"/> NO	
Involved Employee											
E 1	Employee # [REDACTED]		Last Name Byrne		First Name Jonathan		Middle I. R		Rank Deputy		
Sex: <input checked="" type="radio"/> M <input type="radio"/> F		Race: W	Height: 5-08	Weight: 185	Age: 32	Shift: <input checked="" type="radio"/> EM <input type="radio"/> Day <input checked="" type="radio"/> PM		<input checked="" type="radio"/> Regular Shift <input type="radio"/> OT Shift <input type="radio"/> Off Duty			
Unit of Assignment: Lakewood Station				Work Assignment (Unit #, Module, etc.): 132A							
Individual Force Used: Personal Weapon - Knee						<input type="radio"/> Directed <input type="radio"/> Rescue <input type="radio"/> Medical Assist		Individual Category: <input type="radio"/> 1 <input type="radio"/> 2 <input checked="" type="radio"/> 3			
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Facility: _____						Coroner Case # _____					
E 2	Employee # [REDACTED]		Last Name Mabee		First Name Michael		Middle I. J		Rank Deputy		
Sex: <input checked="" type="radio"/> M <input type="radio"/> F		Race: W	Height: 6-00	Weight: 195	Age: 31	Shift: <input checked="" type="radio"/> EM <input type="radio"/> Day <input type="radio"/> PM		<input checked="" type="radio"/> Regular Shift <input type="radio"/> OT Shift <input type="radio"/> Off Duty			
Unit of Assignment: Lakewood Station				Work Assignment (Unit #, Module, etc.): 132G5							
Individual Force Used: Personal Weapon - Fist						<input type="radio"/> Directed <input type="radio"/> Rescue <input type="radio"/> Medical Assist		Individual Category: <input type="radio"/> 1 <input type="radio"/> 2 <input checked="" type="radio"/> 3			
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Facility: _____						Coroner Case # _____					
E 3	Employee # [REDACTED]		Last Name Lloyd		First Name Robert		Middle I. J		Rank Deputy		
Sex: <input checked="" type="radio"/> M <input type="radio"/> F		Race: W	Height: 6-02	Weight: 175	Age: 33	Shift: <input type="radio"/> EM <input type="radio"/> Day <input checked="" type="radio"/> PM		<input checked="" type="radio"/> Regular Shift <input type="radio"/> OT Shift <input type="radio"/> Off Duty			
Unit of Assignment: Lakewood Station				Work Assignment (Unit #, Module, etc.): 132F							
Individual Force Used: Control Holds						<input type="radio"/> Directed <input type="radio"/> Rescue <input type="radio"/> Medical Assist		Individual Category: <input checked="" type="radio"/> 1 <input type="radio"/> 2 <input type="radio"/> 3			
<input type="checkbox"/> Injured <input type="checkbox"/> Treated <input type="checkbox"/> Admitted Facility: _____						Coroner Case # _____					
On Duty Supervisor											
Emp. # [REDACTED]		Last Name Verzola		First Name Matthew		Middle I. A		Rank SGT		Present: YES <input type="radio"/> NO <input checked="" type="radio"/>	
										Witness to Incident: YES <input type="radio"/> NO <input checked="" type="radio"/>	
Supervisor Completing Investigation											
Emp. # [REDACTED]		Last Name Graham		First Name Scott		Middle I. A		Rank SGT		Present: YES <input type="radio"/> NO <input checked="" type="radio"/>	
										Witness to Incident: YES <input type="radio"/> NO <input checked="" type="radio"/>	
Watch Commander / Supervising Lieutenant											
Emp. # [REDACTED]		Last Name Auner		First Name David		Middle I. D		Rank LT			

Watch Commander / Supervising Lieutenant's Signature: _____ Date: _____ Copy Provided to Employee by: _____ Emp #: _____

Unit Commander (Print Name) _____ Unit Commander's Signature: _____ Emp #: _____ Date: _____

DISCOVERY Use Only
FO# _____

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

**COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT**

INVESTIGATIVE SUMMARY

UNIT: Lakewood Station
DATE: September 1, 2013
TIME: 2330 Hours
LOCATION: [REDACTED] Levelside Avenue, Lakewood
URN#: 913-17055-1323-263
IAB#: FO 2340579

NATURE OF INCIDENT:

Deputy Byrne was responding to [REDACTED] Levelside Avenue in Lakewood regarding a "Battery Just Occurred" call. Deputies Lloyd and Mabee arrived at the house and contacted the residents. They advised Deputy Byrne the suspect had left the location and gave the last known direction.

As Deputy Byrne arrived in the area of the call, he checked the area for the suspect. He was at the intersection of Del Amo Boulevard, and Obispo Avenue when he saw a male walking, who matched the suspect description. Deputy Byrne contacted the male (later identified as Suspect Eric Sebens MW/ 19). He exited his car and told the suspect to stop and come over to him. The suspect told him, "Fuck you, do you have a warrant?"

Deputy Byrne told the suspect to put his hands behind his back while approaching him. The suspect took two steps back, raised his hands out to his sides and said, "Fuck you, I didn't do shit!" Believing the suspect was going to flee, Deputy Byrne grabbed the suspect's right wrist, then his left wrist and attempted to place the suspect's hands behind his back in order to handcuff him. Deputy Byrne smelled the odor of alcohol coming from the suspect.

The suspect violently pulled his left hand from Deputy Byrne's grip. The suspect raised his left elbow and attempted to strike Deputy Byrne.

Deputy Byrne moved out of the way and the suspect missed him. Deputies Mabee and Lloyd ran to his location, and Deputy Mabee punched the suspect once in the face. He grabbed the suspect from behind around his chest, and Deputy Lloyd grabbed the suspect's left arm, as Deputy Byrne held onto his right hand. Deputy Mabee conducted a takedown of the suspect.

While on the ground, the suspect continued to resist and was yelling at the deputies. Deputy Byrne lost control of the suspect's right hand. While kneeling next to the suspect on the ground, he saw the suspect reaching into his waistband. Believing the suspect maybe trying to arm himself, Deputy Byrne knelt the suspect in the face one

time. After this, Suspect Sebens placed his hands behind his back and he was handcuffed.

IAB NOTE: The Criminal Report and Supplemental Reports are included in this case book. See **Exhibit A**.

Internal Affairs Bureau Lieutenant Michael Berg was notified. He along with Sergeants Scott Graham, and Mark Lopez responded to Lakewood Station to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and the suspect.

INVOLVED PERSONNEL:

Johnathan Byrne - Deputy Sheriff, Employee # [REDACTED]
Homeland Security- Transit Services Bureau
Date of Employment: 05/2006
Date Assigned to Unit: 09/2013
Prior Founded Force Incidents: None

Michael Mabae - Deputy Sheriff, Employee # [REDACTED]
Lakewood Station- South Patrol Division
Date of Employment: 06/2006
Date Assigned to Unit: 08/2009
Prior Founded Force Incidents: None

Robert Lloyd - Deputy Sheriff, Employee # [REDACTED]
Lakewood Station- South Patrol Division
Date of Employment: 02/2007
Date Assigned to Unit: 09/2012
Prior Founded Force Incidents: None

INVOLVED SUSPECT

Sebens, Eric
Sex: Male
Race: White
Date of Birth: November 09, 1993
Booking #: 3698602
Charges: 69 P.C., 594 (b)(1) P.C., 422 P.C.

Injuries: Facial Fracture-Maxillary Sinus, Facial Contusion. The suspect was also treated for Acute Alcohol Intoxication.

The Consolidated Criminal History System reveals [REDACTED]
[REDACTED]

IAB NOTE: A copy of Suspect Seben's criminal history is included in this report. **See Exhibit B.**

SWORN DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:

██████████ - M/W Address of ██████████ Phone
number ██████████

██████████ - F/W Address ██████████ Phone
number ██████████

██████████ - M/O Address of ██████████
Phone number ██████████

██████████ - M/H Address of ██████████
Phone number ██████████

REVIEW OF RADIO TRANSMISSIONS

Internal Affairs Investigator Scott Graham reviewed the only radio traffic broadcast during the incident. On the recording at approximately 2332 Hours, there is an open microphone and a male (Suspect Sebens) is heard yelling in the back ground. A second male voice is heard saying "Stop, number one, relax." SCC advises of an open microphone and asks if there is a unit with emergent traffic? The second male voice identifies himself as Sergeant Verzola. The first male is heard saying "You guys are fucked" and other things. SCC advises there is an open mike. 132T1 is heard requesting 902R for the suspect who was in a fight with deputies. SCC asks if they are Code four?" Unit 132T1 advises they're Code four with four units, and a Sam unit at the location.

IAB NOTE: Cd's containing recordings of the Dispatch 14 Radio Traffic, Witness Interviews, Suspect Interview, Photos of Injuries to Suspect Sebens, and the 911 calls are included in this case book. **See Exhibit C.**

SUSPECT'S INJURIES

Suspect Sebens was transported by C.A.R.E. Ambulance #3607 to Lakewood Regional Medical Center in Lakewood. He was treated by Emergency Room Physician, Doctor Christopher Bowns for a facial Fracture-Maxillary Sinus, Facial Contusion. The suspect was also treated for Acute Alcohol Intoxication. He received an "OK" to book. He received a patient number of ID# ██████████ Suspect Sebens was transported to

L.C.M.C. where he was treated for his injury. He was later transported to, and booked at the Inmate Reception Center.

IAB NOTE: A copy of Suspect Seben's discharge instructions, are included in this case book. **See Miscellaneous Documents.**

IAB NOTE: A CD containing photographs of injuries sustained by the suspect, video interviews of the suspect in the field, and the video interview of the Doctor interview are included in this case book. **See Exhibit C.**

DEPUTY PERSONNEL INJURIES

None

PHYSICAL EVIDENCE

No physical evidence was collected at the scene by Internal Affairs Bureau Investigators. The scene was not held, there was no significant evidence at the scene.

INVESTIGATORS OBSERVATIONS

Digital photographs of the scene were taken later in the day by Sergeant Graham. They are included in this case book. **See Exhibit C.**

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Byrne – Personal Weapon- Knee.

Deputy Mabee – Personal Weapon- Fist.

Deputy Lloyd – Control Holds.

WEAPONS USED BY SUSPECT

Personal weapons- Hands, Feet.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR and CHARGES FILED

Investigator: Theo Gekas # [REDACTED] Deputy, Lakewood Station.
Court: Superior Court – Bellflower #3BF04257
Charges Filed: 242 P.C., 594 (B)(1) P.C., 148 (a)(1)P.C.

IAB NOTE: On September 4, 2013, the District Attorney's Office out of Bellflower Superior Court filed the above listed charges against Suspect Sebens. Suspect Sebens plead no contest to Battery 242 P.C., and Restrict Obstruct a Peace Officer, 148 P.C. He received a sentence of 8 days in county jail, and 36 months' probation.

WEATHER CONDITIONS AND LIGHTING CONDITIONS

The incident occurred on a clear night at 2330 hours. The only lighting was provided by street lights, and the head lights from the radio car at the location.

INVOLVED EMPLOYEE STATEMENTS

Deputy Byrne

Deputy Johnathan Byrne # [REDACTED] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Lopez, on April 18, 2014, at 1121 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Byrne said he was responding to a call for service on Levelside Ave. While driving to the location, he was updated via radio the suspect had left the location. He was provided a suspect description, and last seen direction by units that were already on scene. Prior to arriving on scene, and because other units were already at the location, he decided to check the area for the suspect. He saw a male (Later identified as S/ Sebens) walking west bound in the service road on the south side of Del Amo Boulevard. He said the male matched the description of the suspect given in the call, and the updates.

Deputy Byrne pulled up to the suspect and told him to stop and come over to the radio car. He said the suspect immediately told him, "Fuck you, do you have a warrant!"

Deputy Byrne said he got out of his radio car and approached the suspect. He said the suspect raised his hands and began backing away from him. He said he grabbed the suspect's right wrist and stepped behind him. Deputy Byrne next grabbed the suspect's left wrist and walked him to the hood of his radio car. He said he saw Deputies Lloyd and Mabee running toward him.

He said the suspect was "chipping away" but was not pulling away from him. Deputy Byrne said the suspect had a back pack on which made it hard for him to place the suspect's hands behind his back, as he was trying to place the suspect in a cursory search position.

Deputy Byrne said he noticed the suspect was sweaty, and the suspect "ripped" his left arm away and attempted to elbow him in the head. He said the suspect turned to his left and faced Deputy Mabee. Deputy Mabee punched the suspect in the face.

He said even though he lost grip of the suspect's left arm, he maintained control of his right arm. He said Deputy Mabee got behind the suspect and took him to the ground. He said Deputy Lloyd was on the suspect's right side and went to the ground also as Deputy Byrne placed his knee on the suspect's back trying to hold him down. They gave the suspect several verbal commands and he did not comply.

Deputy Byrne said they did not have any idea if the suspect had any weapons on his person because he had not been searched yet. He said the suspect was laying on his left side and was "actually reaching towards his waistband." He said this led him to believe the suspect had a weapon. He stated, "There's no other reason to reach for your waistband."

He said the suspect was attempting to roll back and forth and kicking his legs. He said he gave the suspect more verbal commands. The suspect still was not complying and because he believed the suspect was reaching for a weapon, he kneed the suspect in the face. He said he kneed the suspect in the left cheek because where he was located next the suspect, it was the only option he had for a strike.

Deputy Byrne said after he kneed the suspect, this dazed the suspect and deputies Mabee, and Lloyd were able to handcuff the suspect. He said even after being handcuffed, the suspect continued to kick his legs at the deputies. He said a sergeant, and paramedics were summoned to the scene. He reported his use of force to Sergeant Verzola.

Deputy Byrne authored a Crime Report (**Exhibit A**) documenting his observations and actions. For additional information, refer to Deputy Byrne's report and verbatim interview transcripts.

Deputy Mabee

Deputy Michael Mabee # [REDACTED] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Lopez, on April 18, 2014, at 1004 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Mabee said he heard a call go out regarding a family fight. He said he was available to assist with the call. He and Deputy Lloyd were first on scene. They contacted the victims at the location who told them about the altercation. They said the suspect had left and provided a description, and last seen direction. He said he relayed this information to Deputy Byrne who was the handling deputy, via Sheriff's radio.

He said he and Deputy Lloyd ran to the corner of Del Amo Boulevard., and Levels Avenue to see if they could see the suspect. He said the distance was approximately 40-50 feet from the location where the incident took place. As they got to the corner, Deputy Byrne arrived. They advised him the suspect was walking in the street west of them. He said he and Deputy Lloyd began running to where Deputy Byrne was at, as he made contact with the suspect.

He said he saw Deputy Byrne pull his radio car behind where the suspect was walking. He saw him exit and approach the suspect. He said he could not hear what was being said but the suspect was facing Deputy Byrne. He said as they ran toward Deputy Byrne, he saw the suspect was throwing his hands up to his side, and appeared he was not being compliant. He said Deputy Byrne placed the suspect in a cursory search position on the front passenger side of the radio car.

He said as he got closer, they suspect violently pulled his left hand free from Deputy Byrne. The suspect placed it over his head at a 45 degree angle. The suspect began to pivot his body in an attempt to strike Deputy Byrne.

He said Deputy Byrne saw he was about to be struck and he ducked to avoid being hit. Deputy Mabee said he arrived at this time and in an effort to stop the attack on Deputy Byrne, he punched the suspect one time on the left side of his face. He grabbed the suspect around his chest and took him down to the ground in the grass area in the island between the service road, and Del Amo Boulevard.

He said when the suspect landed on the grass, his right hand went underneath his body near his waistband. He said the suspect's left hand was free and moving around. He placed his left knee on the suspect's lower back, and his right knee on the suspect's right shoulder while attempting to gain control of the suspect's right hand.

Deputy Mabee said he was giving commands to the suspect to "stop fighting, give us your hands." The suspect was screaming at the deputies swearing at them, telling them to get off of him. The suspect would not relinquish his right hand. Deputy Mabee said he "feared" the suspect was possibly retrieving a weapon. He said Deputy Byrne did a knee strike to the suspect's face, and the suspect immediately became complaint, at which time he was handcuffed. Deputy Mabee reported his use of force to Sergeant Verzola.

Deputy Mabee authored a Supplemental Report, (**Exhibit A**) documenting his observations and actions. For additional information, refer to Deputy Mabee's report and verbatim interview transcripts.

Deputy Lloyd

Deputy Robert Lloyd # [REDACTED] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Lopez, on April 18, 2014, at 1025 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Lloyd said he went to a call for service. He said the call came out as a male banging on the door. It was updated the male had broken a window and was trying to get into the house.

He said he and Deputy Mabee went to the location and contacted the residents. They told them the suspect (Later identified as Suspect Sebens) had left, and was now

walking westbound on Del Amo Boulevard. He and Deputy Mabee began walking in the general last seen direction the suspect had gone. He said Deputy Mabee advised Deputy Byrne via radio, who was responding via radio car.

They walked two house lengths to the corner of Levelside Avenue and Del Amo Boulevard. They saw the suspect walking on the south side of Del Amo Boulevard on the service road. As they were walking, he said Deputy Byrne drove onto the service road and contacted the suspect.

He said when Deputy Byrne contacted the suspect, it appeared the suspect was not being compliant. He said could tell this because of the way suspect was moving away from Deputy Byrne and not following his commands. He said he and Deputy Mabee began running to where Deputy Byrne and the suspect were at. He said as he got closer, the suspect was appeared assaultive toward Deputy Byrne.

He said Deputy Mabee got to Deputy Byrne first. He said Deputy Byrne and Deputy Mabee were holding the suspect. He said when he got to them, he attempted to control the suspect's left arm. Deputy Mabee had grabbed the suspect around his chest. He said they took the suspect to the ground. While on the ground, he continued to hold onto the suspect's left arm.

He said Suspect Seben was screaming and thrashing around violent. He continued to hold onto the suspect's left arm and Deputy Mabee attempted to handcuffed the suspect. He said Deputy Mabee moved next to the suspect's middle torso area, and he moved to control the suspect's legs because he continued kicking and thrashing around. He said Deputy Mabee performed a knee strike to the suspect's head / face area. When Deputy Mabee did this, they were able to handcuff the suspect. He said the incident lasted for one to two minutes. He reported his use of force to Sergeant Verzola.

Deputy Lloyd authored a Supplemental Report, (**Exhibit A**) documenting his observations and actions. For additional information, refer to Deputy Lloyd's report and verbatim interview transcripts

SUSPECT'S STATEMENTS

Suspect Seben

On September 2, 2013, Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez went to the Inmate Reception Center and conducted an interview with Suspect Seben regarding the incident. Suspect Seben agreed to talk with them about the incident without an attorney present. The interview was digitally video recorded.

Suspect Seben said he and his [REDACTED] Witness [REDACTED] were arguing. He said he had "too much to drink" and "lashed out" at Witness [REDACTED] He said everyone told

him he needed to leave. He said "they" locked him out of the house and called the Sheriff's Department.

He said he left and went to the park across the street. He said he was scared and did not know what to do. He said he was going to walk and "act like a normal pedestrian." He said he had 7 beers and was "pretty buzzed."

He said a sheriff pulled alongside him as he walked. He said tried to "play it off" and stated, "In my mind, I don't know what I was thinking, but I was just another citizen walking down the street." He said when Deputy Byrne was attempting to put him on the radio car, there were two other deputies running from the park.

He said when he was detained, he would not say his name. He said he was thinking he (Deputy) had no right to arrest him. He said as soon as he got his hands back and tried to pull away, "a fist came up and punched me." He said when the deputy grabbed his back pack, out of reflex he tried to remove his arm from the strap. He said he went down. He stated "Then the next thing I know I'm like, oh, I'm like tied up from my legs, you now, my legs tied. He further stated, "I'm in all sorts of different cuffs and they're all on top of me."

He said he is from Washington State and realizes a lot more things happen on the street here. He said when a police officer sees a person raise their hand or do some quick movement, people get shot here. He said he understands this. He said he was intoxicated at the time, and stated "Maybe I was just that wild." He said after he was punched, "he just lost it." When the deputies said they were going to "mace him," he said "All right, I'll shut up, and that was it." He said he was punched three to four times during the incident.

He was asked if when he pulled his arm out, could it have been misconstrued as if he was going to hit the deputy? He stated, "Yeah it could have. No, it definitely could have." He said that was not his intent.

He was asked if he was cooperative with the Deputy. He stated, "No." He was asked if he was cursing at the deputies. He stated "Yeah."

For further additional information, refer to Suspect Sebens verbatim interview transcripts.

WITNESS STATEMENTS

Witness [REDACTED]

Witness [REDACTED] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at his residence. The interview was digitally audio recorded.

Witness [REDACTED] said he was sitting on his front porch and saw a "guy," (Suspect Sebens) run by with a back pack.

IAB NOTE: Witness [REDACTED] house is on the [REDACTED] corner of [REDACTED] and [REDACTED]. His front door faces west.

He said a deputy came and pulled in front of the suspect and stopped him. The deputy was attempting to get the suspect to cooperate with him. He said the suspect was "resisting arrest" and "confrontational." He said he could hear yelling but was not able to hear what was said. He said the suspect "threw his hands up".

He was asked if the suspect charged or attempted to punch the deputy. He said it appeared as if the suspect was "challenging" the deputy.

He said approximately 30 seconds later, two other deputies ran to where the deputy and suspect were. He said they ran over "pretty quick" and it took all three of the deputies to take the suspect to the ground.

Witness [REDACTED] did not see the force used because of the poor lighting, his view was blocked by the radio car, and the overhead radio car lights flashing.

For further additional information, refer to Witness [REDACTED] verbatim interview transcripts.

Witness [REDACTED]

Witness [REDACTED] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at her residence. The interview was digitally audio recorded.

Witness [REDACTED] said she came home really late. She heard a lot of screaming and yelling. She said she looked out of her bedroom window that faces south into the yard of where the call for service originated. She witnessed most of the incident which is documents in the original crime report. **See Exhibit A.**

She was specifically asked about the use of force. She said the suspect ran north on Levelside Avenue, then west on Del Amo Boulevard. She said two sheriff's radio cars arrived at the location. Two deputies were talking with a female where the call originated. They asked where the suspect went and Witness [REDACTED] told then he just walked past her house on [REDACTED]. She said the two deputies began "jog-walking". She said another radio car arrived and drove onto the service road at Obispo Avenue where the suspect was walking.

IAB NOTE: Witness [REDACTED] house is on the [REDACTED] corner of [REDACTED] and [REDACTED].

She walked around the corner and stood at her [REDACTED]

[REDACTED] She saw the deputy get out of the radio car, and the two other deputies were with him. She said the suspect was screaming and belligerent. He was cursing at the deputies. She said the deputies were telling him to calm down, and were being nice to him. She said the deputies had their backs towards her, and the suspect was facing her. She could not make out his face, only the silhouette due the lighting conditions.

She said the suspect "kind of like went at them." She described it as "his whole body just kind of went at them." She was asked if it looked like the suspect was trying to push or punch the deputies. She stated "It just seemed like he went at them, like, for me, I would say push 'cause I wasn't right there and I can't see if his hands were...."

She was asked if the suspect charged at the deputies. She said "Yeah." She said the deputies tried to restrain the suspect. She said what she could see, the deputies were trying to grab the suspect's arms. She heard them warn the suspect, "Do you want to get pepper sprayed?" She said the deputies were giving the suspect a chance to stop.

She said the deputies ended up taking the suspect to the ground however she did not see what took place once on the ground due the poor lighting.

For further additional information, refer to Witness [REDACTED] verbatim interview transcripts.

Witness [REDACTED]

Witness [REDACTED] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at his residence. The interview was digitally audio recorded.

Witness [REDACTED] said his [REDACTED] told him there were police cars and ambulance [REDACTED]. He said he went outside and looked at what was taking place. He said he saw the suspect laying on the street screaming and swearing at the deputies. He was asked if he saw any of the initial contact or force used. He said he came out after the initial contact and only saw the deputies on top of the suspect, and surrounding him. He said he did not have a clear view.

For further additional information, refer to Witness [REDACTED] verbatim interview transcripts.

Witness [REDACTED]

Witness [REDACTED] was interviewed by Internal Affairs Bureau Sergeants Scott Graham, and Mark Lopez on September 2, 2013 at his residence. The interview was digitally audio recorded.

Witness [REDACTED] said he was in his house when he heard screaming outside. He assumed it was the suspect. He saw deputies approaching him. By the time he got

outside, the suspect was on the ground. He said the suspect was yelling, kicking and screaming. He stated "The deputies just basically pinned him on the ground so he wouldn't move." He said the suspect kept screaming and cursing at the deputies. He said the paramedics came. The suspect sat up and was handcuffed still screaming. At this point, he went inside his house.

Witness [REDACTED] was asked if he ever saw the deputies hit the suspect. He said he only saw the deputies pinning the suspect on the ground.

For further additional information, refer to Witness [REDACTED] verbatim interview transcripts.